HIGH COURT OF CHHATTISGARH : BILASPUR

Before: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

M.A.(C) No. 1248 of 2007

Appellant Owner : Santosh Kumar Gupta, aged about 55 years, S/o Late Vasudev Gupta, R/o Main Road, Kargi Road Kota, P.S. & Tahsil Kota, District Bilaspur (CG)

Versus

Respondents :
1. Ramcharan Khusro, Son of Late Kunwwar Singh, aged about 35 years, Occupation-Labourer, R/o Village Litiya, P.O. Khargikhurd, P.S. & Tahsil Kota, District Bilaspur (CG)

(Claimant)

2. M/s. Jalaram Transport, through Owner/Proprietor Bharat Khanderiya, S/o Late C.L. Khanderiya, aged about 44 years, R/o C.M.D. College Chowk, Bilaspur, Tahsil and District Bilaspur (CG)

(Legal Representative)

3. The Oriental Insurance Company Limited, Through Branch Manager, Opposite High Court, Bilaspur (CG)

(Insurer)

4. Pappu Das Panika, S/o Mohan Lal Panika, aged about 40 years, R/o Village-Bhelwatikari (Belgahna) Chowk Belgahna, P.s. Kota, District Bilaspur (CG)

(Driver)

Miscellaneous appeal under Section 173 of the Motor Vehicle Act, 1988

Present: Goutam Khetrapal, counsel for the appellant.

ORAL ORDER

(Passed on 02.11.2007)

Learned counsel for the appellant prayed for withdrawal of the appeal on the ground that by the impugned award dated 31.08.2007 in claim case No.28/2006, the learned IInd Additional Motor Accident Claims Tribunal, District Bilaspur (CG) has primarily fixed the liability to pay compensation on the Insurance Company and has not given the right to the insurance company to recover the same from the owner. It was further submitted that the Insurance Company has not preferred any appeal so far and therefore, he would like to withdraw this appeal at this stage reserving his right to prefer an appeal if the insurance company prefers an appeal against the impugned award.

२. Submission is considered. Reserving the aforesaid liberty as prayed, the appeal is dismissed as withdrawn.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya